

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Gangi Bakarani (Gottago Taxi)
16 Damon Road, Northampton, MA 01060

Date application filed with the Town Clerk: February 10, 2009

Nature of request: Special Permit to establish a taxi service under Section 3.340.3 of the Zoning Bylaw.

Address: 160 Old Farm Road (18C-21, PRP).

Legal notice: Published on February 11 and February 18, 2009 in the Daily Hampshire Gazette and sent to abutters on February 9, 2009.

Board members: Jane Ashby, Albert Woodhull, Eric Beal

Submissions:

The petitioner submitted a packet of information with the application including:

- One (1) copy of the completed Management Plan form;
- One (1) copy of a separate Management Plan for Gottago Taxi, dated February 9, 2009;
- One (1) copy of the Floor Plan for Gottago Taxi, dated February 9, 2009;
- One (1) copy of the Site Plan for Gottago Taxi, dated February 9, 2009;
- One (1) copy of the existing Taxi Business License for Gottago Taxi at 256 North Pleasant Street, submitted by staff;
- One (1) copy of the letter from the Building Commissioner, dated November 19, 2007, for the existing taxi service at 256 North Pleasant Street, submitted by staff;
- One (1) copy of the Special Permit and Decision for ZBA FY2008-00017 & ZBA FY2004-00011, submitted by staff;
- One (1) copy of the Memorandum prepared by the Planning Department, dated February 19, 2009, which provided a review of the application;
- One (1) copy of a Memorandum prepared by the Planning Department, dated February 26, 2009 which contained a list of taxi service businesses licensed in the Town, a photograph of the existing taxi stand on North Pleasant Street and a copy of the Select Board application for taxi service business license and driver application.

Site Visit: February 24, 2009

Jane Ashby, Albert Woodhull and Eric Beal met with the applicant, Gangi Bakarani and the co-owner of the building, Timothy Grader, at the site and observed the following:

- The existing, one-story commercial building containing six offices, the existing on-site parking areas and dumpster located in the east corner of the parking lot;
- The general location of the five (5) parking spaces to be utilized by the applicant;
- The interior of unit C, to be occupied by the applicant's taxi service business and which contains separate office spaces to be shared with other businesses.

Public Hearing: February 26, 2009

The applicant, Gangi Bakarani, presented the following information related to the application:

- He currently operates a taxi service business at 256 North Pleasant Street using two (2) vehicles;
- His business is doing well and would like to expand and have up to five (5) vehicles operating;
- The Building Commissioner indicated that for more than two (2) vehicles, a Special Permit would be required and that it was not allowed at the current location;
- He chose the Old Farm Road property because it had office space and parking for five (5) vehicles available;
- Each driver will be assigned a vehicle and that will be taken home with the driver and will not be kept on site on a regular basis;
- The taxi service will operate 24 hours a day and that there will not be any pick-ups or drop-offs of patrons on-site.

Ms. Ashby asked if he had a plan for the maintenance of the vehicles. Mr. Bakarani stated that he will have his vehicles repaired at a private mechanic and will not be doing any repairs to the vehicles on the property.

Mr. Beal asked if there was any connection between this application and that of Safari Transit (ZBA FY2009-00023) which is also for a taxi service business. Mr. Bakarani stated that there is no connection with the other business, except that both businesses will be in Suite C at 160 Old Farm Road.

Mr. Woodhull asked if he is subletting separate spaces in the same building. Mr. Bakarani explained that the space was too large to rent for his business only, so they reached an agreement with the property owner to lease only one (1) of four (4) offices in Suite C.

Mr. Woodhull asked the applicant about the use of the five (5) spaces shown on the site plan. Mr. Bakarani explained that before he had submitted the application, he consulted with the Building Commissioner who informed him that he would need to have parking spaces available for each vehicle, even if he wasn't planning on parking them on the site. He reached an agreement with the owner of the building to have the five (5) spaces available.

Mr. Woodhull asked how long Gottago Taxi has been operating in Town. Mr. Bakarani stated that it has been one (1) year and two (2) months and that business is doing well, so he is interested in expanding.

Ms. Ashby asked if there will be any signs on the building associated with the business. Mr. Bakarani stated that there will not be any signs on the building.

Mr. Beal asked what the area of service will be. Mr. Bakarani stated that it will mostly be in the Amherst and Northampton area, but will travel to surrounding towns if needed.

Ms. Ashby asked if there were any members of the public who wished to speak to the application. There were none.

Mr. Woodhull made a motion to close the evidentiary portion of the Public Hearing. Mr. Beal seconded the motion. The Board voted unanimously to close the Public Hearing.

Public Meeting:

Ms. Ashby asked the Board members if they had any concerns related to the application. The Board members stated that they do not have any concerns.

Mr. Woodhull asked the Building Commissioner if there were any concerns regarding this application. Ms. Weeks stated the main concern would be that parking is available and that the application provides adequate parking.

Mr. Beal asked if the Special Permit would expire upon the lapse of the license with the Select Board. Ms. Weeks indicated that the Special Permit would be valid for two years after the expiration of the license.

The Board spent the remainder of the Public Meeting discussing the conditions of the Special Permit.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings, required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood in which it is proposed and is compatible with existing uses and other uses in the district. The permitted use, including the office use and associated vehicle parking spaces comply with the intent of the PRP District. There are no immediately abutting residences or other uses that would be affected. The office space is existing and the taxi service will not be conducting pick-ups or drop-offs of patrons on-site. The Zoning Bylaw does not specifically address taxi/chauffeur type uses. The Building Commissioner has established a policy that such uses operating more than two (2) vehicles shall require approval by Special Permit under Section 3.340.3 of the Zoning Bylaw.

10.382, 10.383 and 10.385 – The proposal will not constitute a nuisance due to air pollution, lights or visually offensive structures; will not be a substantial inconvenience or hazard to abutters; and reasonably protects adjoining premises. There are no changes to the exterior of the existing building nor will any expansion of the parking area be needed as part of this Special Permit. The use will not constitute nuisances such as air pollution, lights or visually offensive structures because the existing building is not being altered, no change in lighting is proposed and a small number of vehicles is involved in this use. There are no immediately abutting residences or other uses that would be affected by operation of this use even if it had more significant impacts. The property is located in the PRP Zoning District and contains adequate parking facilities and vehicle access that will not be an inconvenience or hazard to abutters.

10.384 and 10.387 - Adequate and appropriate facilities will be provided for the proper operation of the use and will provide convenient and safe movement. The applicant has submitted a Management Plan for the operation of the taxi service including a maximum of six (6) employees and a maximum of five (5) vehicles. The existing building contains adequate office space for the taxi service business to operate day to day. The existing parking lot contains adequate parking spaces for the five (5) vehicles that may operate under this Special Permit. The permit requires that all vehicle maintenance occur off-site and there will not be any pick-ups or drop-offs of patrons on-site.

10.386 - The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw. The applicant does not propose any signs as part of this use. The parking spaces dedicated to the use are adequate during peak hours of operation in accordance with Section 7.2 of the Bylaw.

10.388 - The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use. There will be no unloading of goods or products as a result of this Special Permit. The permit requires that all vehicle maintenance occur off-site and there will not be any pick-ups or drop-offs of patrons on-site.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw and promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst. The proposal does not include any changes to the exterior of the existing building, parking area or lighting. The property contains adequate parking spaces for the storage of the five (5) vehicles associated with the permitted use and the other uses in the building. The permitted use will provide a service to members of the public.

Public Meeting - Zoning Board Decision:

Mr. Beal made a motion to APPROVE the application, with conditions. Mr. Woodhull seconded the motion.

For all the reasons above, the Board VOTED unanimously to grant a Special Permit to establish a taxi service, to be known as Gottago Taxi, under Section 3.340.3 of the Zoning Bylaw with office space, as applied for by Gangi Bakarani, at 160 Old Farm Road (Map 18C, Parcel 21, PRP Zone), with conditions.

JANE ASHBY

ALBERT WOODHULL

ERIC BEAL

FILED THIS _____ day of _____, 2009 at _____,
in the office of the Amherst Town Clerk _____.
TWENTY-DAY APPEAL period expires, _____ 2009.
NOTICE OF DECISION mailed this _____ day of _____, 2009
to the attached list of addresses by _____, for the Board.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2009,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2009-00026, to establish a taxi service, to be known as Gottago Taxi, under Section 3.340.3 of the Zoning Bylaw with office space, as applied for Gangi Bakarani, at 160 Old Farm Road (Map 18C, Parcel 21, PRP Zone), with the following conditions:

1. The business shall operate in accordance with the Management Plan approved by the Zoning Board of Appeals on February 26, 2009;
2. The hours of operation for the vehicles shall be 24 hours per day, seven (7) days a week;
3. There shall be no maintenance of vehicles on the premises;
4. There shall be no more than five (5) vehicles parked on the premises associated with this use;
5. The vehicles shall be parked in the locations as shown on the site plan approved by the Zoning Board of Appeals on February 26, 2009;
6. The office shall be in the location as shown on the floor plan approved by the Zoning Board of Appeals on February 26, 2009;
7. There shall be a maximum of six (6) employees associated with this use and no more than two (2) employees in the office at any one time;
8. There shall be no pick-ups or drop-offs of patrons on-site;
9. This permit shall expire upon change of ownership of the business.

JANE ASHBY, acting Chair
Amherst Zoning Board of Appeals

DATE